IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 16TH JANUARY 2007 / 26TH PAUSHA 1928

WP(C).No. 1834 of 2007(R)

PETITIONER:

CHACKO THOMAS, S/O.CHACKO,
AGED 68 YEARS, RESIDING AT VATTUKULAM,
CHERTHALA NORTH MURI OF CHERTHALA NORTH VILLAGE,
CHERTHALA TALUK.

BY ADV. SRI.T.JAYAKRISHNAN

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
COLLECTORATE, ALAPPUZHA.

2. JOHN DEVASSIA, S/O.DEVASSIA, MANALEL,
C.M.C.28/379, KURUPPANKULANGARA P.O.,
EAST OF KIZHAKKE NALPATHIL SOCIETY,
CHERTHALA.

R1 BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.1834 of 2007

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Dated this the 16th day of January, 2007.

JUDGMENT

Even though petitioner raised allegation that the second respondent has fabricated documents and based on which mutation was effected of properties belonging to the petitioner, it is seen that the District Collector has interfered in the matter and ordered fresh enquiry by remanding the matter to the Tahsildar. Since the matter is remanded to the Tahsildar, there is no grievance for the petitioner as of now. However, I make it clear that the Tahsildar will critically examine the documents presented by the second respondent and give full opportunity to the petitioner to produce all documents to substantiate his case that the second respondent is not entitled to get mutation effected. The Tahsildar is directed to pass a detailed order after considering all contentions raised by the petitioner and documents filed in support thereof and after hearing second respondent and after giving equal opportunity to him also, within a period of two months from the date of production of a copy of this judgment by the petitioner.

W.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms